

**EMERGENCY PREPAREDNESS COLLABORATION  
TO INCLUDE PEOPLE WITH DISABILITIES:  
A FEDERAL GOVERNMENT PERSPECTIVE**

**Remarks Delivered by  
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Good morning, everyone. I wish to begin by extending to you warmest greetings on behalf of Assistant Attorney General R. Alexander Acosta. At the Department of Justice, we in the Civil Rights Division believe very strongly in the need for collaboration in order to prevent reinvention of the proverbial wheel to save on precious time and minimize waste of tax dollars. A good government is a responsive one, and emergency preparedness is an issue that affects us all.

In late July 2004, President George W. Bush signed Executive Order 13347, addressing emergency preparedness concerning people with disabilities. Consequently, agencies across the federal government have combined their efforts to share information, exchange ideas, and determine ways in which to work closely with local and state officials within the emergency preparedness field as well as anyone else (including leaders and members of communities of every size) playing an active role to prepare for the event of a natural or human-caused disaster.

Philosophically, the President believes that all Americans – both those with and without disabilities – must be considered in emergency planning, and must also be a part of community-based solutions that take the needs of various constituencies into careful and meaningful consideration. Within the disability context, it is important to gain a basic understanding of the laws that govern how emergency planning professionals and all other segments of the community should include people with disabilities in the planning process and respond to their needs to the same degree of effectiveness as for those without disabilities.

## **THE SCOPE OF THE LAW**

Going into some detail regarding what federal laws apply to protect the rights of people with disabilities in emergency preparedness situations, Title II of the Americans with Disabilities Act (ADA) requires nondiscrimination in State and local government programs, services, and activities. Everything a state or local government does is covered. The Department of Justice has extensive title II regulations that cover all programs, services, or activities of public entities. These public entities cannot exclude individuals on the basis of disability and must make programs in existing facilities accessible, including shelters. Public entities must make new facilities accessible in accordance with a higher architectural design standard.

Title III applies to places of public accommodation. Most common examples include bars, restaurants, gas stations, movie theaters, and hotels. Other examples include private entities who are service providers, such as doctor's offices and nonprofit relief organizations. If a city contracts with the Red Cross or another private service provider, the city remains subject to title II, and the other private entity would have independent title III obligations.

On another front, recipients of federal financial assistance are subject to Section 504 of the Rehabilitation Act of 1973. Section 504 is enforced by each federal agency that provides Federal financial assistance and covers entities that receive such assistance to provide programs for emergency services. These include fire departments, police departments, and private nonprofit organizations. The scope of the requirements here are the same as Title II of the ADA.

It is worth noting that Section 504 of the Rehabilitation Act also applies to the activities of the Federal Government itself. Section 504 applies to the federally conducted activities of Federal Executive agencies, such as, for example, the Department of Homeland Security, the National Park Service, and the Social Security Administration.

Under the Rehabilitation Act, federal agencies have an obligation to provide reasonable accommodations to employees with disabilities, including an obligation to accommodate employees with disabilities in evacuation procedures, sheltering, etc.

Employment outside the Federal sector is covered by title I of the ADA. Title I covers private employers and State and local governments with 15 or more employees. It also requires reasonable accommodation, including an obligation to accommodate employees with disabilities in evacuations, sheltering, and other facets of emergency planning and implementation of related plans. Section 504 imposes similar requirements on employers that receive Federal funds.

## **PROJECT CIVIC ACCESS**

I would like to tell you about Project Civic Access, a nationwide effort by the Department of Justice to ensure that towns themselves are accessible to people with disabilities.

The main focus has been on town halls and city facilities, such as parks, sidewalks, and websites. We have entered over 100 settlement agreements with local governments across the country.

Since 9/11, our focus has broadened also to include accessibility in emergency preparedness and planning for people with disabilities. Nearly 20 agreements now include emergency preparedness provisions. All Project Civic Access agreements may be found on our website at <http://www.ada.gov>.

There are a number of important issues to consider, and these have also been addressed in our PCA agreements. If you keep the following key points in mind, you will take substantial steps forward in meeting the needs of people with disabilities within emergency preparedness situations.

1. In the area of contracting, if a city contracts with another entity, public or private (like the Red Cross, for example), the city still has an obligation to ensure that programs are accessible. As mentioned earlier, these other entities may have independent obligations under the ADA or Section 504 of the Rehabilitation Act.
2. With regard to planning, people with disabilities and organizations that represent them should be involved in the planning process for emergency preparedness, and their views should be solicited on a regular basis.
3. In terms of notification, public entities must ensure that emergency management policies and procedures address the needs of people with disabilities. For instance, where a city warns citizens of an emergency by sirens or other audible alerts such as police cruiser bullhorns, it is likely that people who are deaf or hard of hearing will be excluded to a significant degree. To address this issue, some cities are developing systems using phone calls, auto-dialed TTY messages, and e-mails to preregistered individuals. Other methods include providing real-time open captioning on television programming or dispatching sign language interpreters to television studios to assist in broadcasting important emergency-related news information.
4. With evacuations, public entities must establish evacuation procedures to accommodate people with disabilities, including those who use wheelchairs or other mobility devices, those who are blind or who have low vision, and those who have cognitive disabilities, and enable them to safely evacuate under trying conditions. Some communities are establishing voluntary, confidential registries of individuals who may need assistance. It is critical to establish procedures that ensure voluntariness and confidentiality, that provide a process for continually updating the registry, and that promote the widest possible awareness and participation.

5. Regarding emergency shelters, they historically have been supplied with the basic necessities of food, water, and blankets. Now they must adopt a more sophisticated and comprehensive approach to ensure accessibility to people with disabilities.
6. Turning to the accessibility of buildings, these facilities must provide an accessible route to an accessible entrance and accessible restrooms. If they have phones, TTY's should be provided. If not all shelters are physically accessible, let the community know which ones are. It is important to survey existing shelters and make them more accessible, both within a physical and programmatic sense.
7. There is the important policy question concerning service animals. A shelter cannot turn away someone who comes with a service animal because of a "no pets" rule. Adjustments may need to be made within the shelter for those who for health or safety reasons cannot be near them.
8. The particular medical needs of people with disabilities must be addressed. Emergency officials must consider the needs of individuals who use electricity to power life-sustaining devices or who use medication that require refrigeration. There should be at least one shelter with a backup generator. Even though a city may have a "special needs" shelter with a wide range of specialized services, most people with disabilities do not require these services and should not be turned away from their neighborhood shelter or segregated in particular shelters or parts of shelters.
9. With respect to post-evacuation or temporary housing, if a city provides temporary housing for victims of disasters, it should include accessible units within the range of choices offered (e.g., hotels with accessible rooms.)

### **NEW TECHNICAL ASSISTANCE DOCUMENT**

These tips that I have just given you should serve merely as the starting point. To help you with learning more, I am pleased to inform you that the Civil Rights Division recently created a new technical assistance document - "An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to Persons with Disabilities" - which is a good introductory resource for communities beginning the process of planning for accessibility. It is available on our website at <http://www.ada.gov>.

### **NEXT STEPS AND REACHING OUT TO THE DISABILITY COMMUNITY**

For those new to working with people with disabilities, there may be questions regarding how to identify key leaders in your area who can provide qualified and invaluable perspective and expertise. In determining how to move ahead, it is critical to understand that people with disabilities come in all shapes, sizes, and colors. Representing almost one in five Americans, they are of any age and come from every socio-economic classification. In short, disability can touch all of us. As is the common saying in the disability world, ours is the only minority one can join.

Sometimes, people possess disabilities such as mine (being blind and using a long white cane). But, in many other cases, the disabilities themselves may not be visible at all such as those who have psychiatric disabilities, learning disabilities, or invisible medical conditions such as epilepsy. For those with invisible disabilities, all too often, people tend either to say or think, “Gosh, you don’t LOOK disabled.” Just please keep in mind that there is often more to life than meets the eye. Leaders in the disability community stand ready to provide information that will prove extremely valuable to you as you move forward to address the diverse needs of different populations, and remember that there is no such thing as a “one size fits all” approach. To get you started, here are some networking resources that you may begin to use right away:

- There are more than 500 organizations called “independent living centers” that assist people with disabilities in maximizing their potential. An extensive directory of these organizations may be found on the website of the Independent Living Resources Utilization Project at <http://www.ilru.org>. From the home page, simply click on “CIL Directory” and select your state, and you will instantly be linked to the names, executive directors, addresses, phone numbers, fax numbers, and email addresses of key contacts.
- To network with those serving people with developmental disabilities such as cerebral palsy and cognitive disabilities, you may learn about your state’s developmental disabilities council by going to the website of the National Association of Councils on Developmental Disability at <http://www.nacdd.org>.
- To tap into the network of federally-funded legal advocacy organizations including those serving individuals with physical, psychiatric, and learning disabilities, the National Association of Protection and Advocacy Systems has an online directory which you may use to identify those in the legal profession, whose life’s work surrounds advocating for the rights of people with disabilities under the law. To learn more and to view the complete directory by state, visit <http://www.napas.org>
- The National Organization on Disability has been working to assemble information surrounding various facets of emergency preparedness for people with disabilities. For full details, visit <http://www.nod.org>

- Another organization doing some groundbreaking work on assembling information that you may readily view is the American Association on Health and Disability (AAHD). The organization has put together and is continually updating an annotated bibliography, which has very useful information. Visit <http://www.aahd.us>.
- If you wish to network with any or all of the more than 650,000 nonprofit organizations in this country, there is a one-stop source of information that can help you do just that. Visit <http://www.guidestar.org>. While there, if you yourself are with a nonprofit organization, utilize the opportunity to view your own organization's full listing, which includes mission statement, three most recent accomplishments, contact information, website URL, names of current board members, and even a page to allow folks to donate money to the organization online via a major credit card. Check it out.
- If you are affiliated with a nonprofit organization and would like to identify foundation resources that may assist you with your ongoing work, visit <http://www.FoundationCenter.org>. The Foundation Center has put together a list of more than 70,000 resources, and you may also take online courses on grant-writing and may find a number of invaluable strategies to assist you with building upon the work you already do. Again, in all your work, remember meaningfully to include qualified people with disabilities.
- Finally, last but certainly not least, I want to repeat the website of the Department of Justice, which is devoted specifically to providing information to people with disabilities and their families about their rights and responsibilities under the law. As you have seen, the website URL is both easy to remember and easy to pass along. It is <http://www.ada.gov>. Visit today, and visit often. The website is updated regularly, so it would do you well to bookmark it on your desktop.

## **CONCLUSION**

Now, my friends, you are armed. I have given you the basics surrounding emergency preparedness and people with disabilities, and I have provided you with various ways to reach out to leaders and members of the disability community. As leaders in the emergency preparedness field in this state, the next steps are up to you. I respectfully urge you not to think of people with disabilities as an afterthought but rather to involve us in every facet of what you do. We want to contribute, and we are eager to help. We believe very strongly in the value of self-determination, and one important area in which this is so critical is emergency preparedness. "Nothing about us without us."

In looking at where we are, the process of planning for accessibility in emergency preparedness is in its infancy. We have much to learn and to accomplish. It is vital to include people with disabilities at all stages of this process.

It will be important for us to share innovative practices and to learn from experience. We have already learned much from responses to earthquakes and rolling blackouts in California and hurricanes in Florida. Let us individually and collectively take our work to the next level.

We in the Department of Justice are already working actively with the Department of Homeland Security and other agencies on the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities. We look forward to being a resource to local and state government as we strive to centralize emergency preparedness information that is both user-friendly and pertinent to the work of various stakeholders including disability organizations, emergency preparedness professionals, social service agencies, government entities, first responders, and others.

Working together, we can make America a more secure and safe place for all of its people, including people with disabilities. Let's get it done!